

Ordered

Motion denied. There are no live claims pending before this Court as to which discovery can be taken. All of the Zinc claims have been dismissed. There is a limited opportunity for plaintiffs to seek to amend. If an amendment is successful, presumably a discovery request tailored to the information sought would effect the same result (e.g. the materials sought would be then produced).

Allowing intervention on these facts (e.g. a dismissed case) also presents issues beyond this case.

Twombly is designed to prevent claims lacking plausibility from opening the doors to discovery (including all that that entails). To allow the happenstance of a common law firm and knowledge gained in one case to be used for another creates dangerous incentives and possibilities.

If the amendment succeeds, (if one is proposed), discovery shall run its usual full course.

s/ Linda P. Nussbaum

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